

III. REMARKS/ARGUMENTS

Request For Continued Examination

Applicants hereby submit a Request for Continued Examination (“RCE”). The requisite fee is included with this submittal. Reconsideration of the application as amended is requested.

Claims

Claims 1 and 20 have been amended to further distinguish the present invention over the prior art cited by the examiner, as discussed in detail below. These amendments include those suggested by the examiner in the interview of April 8, 2009.

Specification

Paragraph 0023 has been amended to include reference numeral 27 describing opposing side portions of seat cushion 12. No new matter has been added by the amendment, as the seat side portions are shown in the originally-filed drawings.

Drawings

Figs. 1-5 and 7-10 have been amended to add reference numeral 27 representing the seat side portions. No new matter has been added by the amendment, as the seat side portions are shown in the originally-filed drawings.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 6, 7, 12 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,257,211 to V. Willoughby (“Willoughby”). Applicants have amended Claim 1 to include an anchor member connected to a structural portion of a vehicle. Claim 1 has been further amended to recite a seat cushion having an enclosure defined by a pair of opposing side portions, a forward portion extending between the side portions, a rearward portion opposing the forward portion and extending between the side portions, and a top portion coupled to the side, forward and rearward portions. The seat cushion further includes a bottom portion and is pivotable about the anchor member. A

forward support leg is pivotably coupled to the bottom portion of the seat cushion proximate the forward portion. The forward support leg is movable between a stowed position generally parallel with the bottom portion of the seat cushion and within the enclosure, and an extended position generally perpendicular to the seat cushion and engaging the structural portion.

A claim is anticipated under 35 U.S.C. § 102 “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants note that the seat base plate 14 of Willoughby includes front and side flanges 16 (p.1, col. 1, lines 56-60; Figs. 1 and 2). Even if the flanges 16 could be broadly interpreted as portions of an enclosure the base plate lacks a rearward enclosing portion. Furthermore, the base plate 14 cannot be modified to include a rearward enclosure portion without destroying the functionality of the seat, as detailed below. Accordingly, applicants submit that Willoughby lacks applicants’ enclosure of amended Claim 1 and thus does not anticipate the claim.

Claims 2, 6, 7 and 12 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2, 6, 7 and 12 are also allowable. Independent Claim 20 has been amended in a manner similar to Claim 1. Accordingly, applicants submit that Claim 20 is allowable for the same reasons as those presented above for Claim 1.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 6, 7, 12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,869,365 to G.F. Corduan (“Corduan”) in view of Willoughby. The examiner asserts that Corduan discloses all of the features of applicants’ Claim 1 except for a support leg that is substantially within the seat. The examiner further asserts that Willoughby discloses a support leg that is substantially within the seat cushion in a stowed position, apparently referring to the front and side flanges 16 (Figs. 1 and 2). The examiner has apparently concluded that the seat of Corduan may be combined with the flanges of Willoughby to arrive at applicants’ invention of Claim 1.

To establish obviousness of a claimed invention all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants' amended Claim 1 includes the enclosure described above. As can be seen from Figs. 1 and 2 of Willoughby the seat shown therein lacks a rearward enclosure portion. Corduan has no enclosing portions that could be combined with Willoughby, the seat "D" having instead a ribbed base plate 49 against which the support legs "E" rest in a stowed position (p. 3, lines 32-37; Fig. 2). Thus, the references, separately and in combination, fail to teach or suggest the enclosure of applicants' Claim 1.

Nor would a person of ordinary skill in the art be motivated to modify and/or combine the elements of the cited references in some way to render applicants' claimed invention obvious. For example, it is not possible to modify or combine the seats of Willoughby and Corduan to incorporate applicants' enclosure of Claim 1 without rendering the folding mechanism inoperable for its intended use. With reference to Fig. 1 of Willoughby it can be seen that the forward support leg 26 extends well below the seat cushion and even the seat base plate 14 in a stowed position (represented by broken lines in Fig. 1) and resting against the base plate. If Willoughby were modified to incorporate applicants' enclosure of amended Claim 1 the support leg 26 would interfere with the rearward portion of the enclosure while in the stowed position instead of fitting within the enclosure, thereby preventing the seat from reaching the locking hook 80 that keeps the seat in the folded position (p.2, col. 1, lines 13-22; Fig. 1). Corduan offers nothing to overcome the deficiencies of Willoughby. The forward support leg "E" of Corduan cited by the examiner extends well below the seat cushion "D" (see Fig. 1) and would interfere with the rearward portion of the enclosure in the same manner as Willoughby. Accordingly, applicants submit that amended Claim 1 is not obvious in view of the combination of Corduan and Willoughby. Claims 2, 6, 7 and 12 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2, 6, 7 and 12 are also allowable. Independent Claim 20 has been amended in a manner similar to Claim 1. Accordingly, applicants submit that Claim 20 is allowable for the same reasons as those presented above for Claim 1.

Claims 1, 2, 6, 7, 12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,963,509 to M.L. Tinsley ("Tinsley") in view of Willoughby. The reasoning suggested by applicants against the combination of Corduan and Willoughby is equally applicable to the combination of Tinsley and Willoughby. Neither Tinsley nor Willoughby disclose an enclosure having a rearward portion; thus, the combined references fail to disclose all of the limitations of applicants' Claim 1. Furthermore, a person of ordinary skill in the art would not be motivated to modify and/or combine the elements of the cited references in some way to render applicants' claimed invention obvious. The forward support legs 17, 18 of Tinsley cited by the examiner extend well below the seat 6 (see Figs. 5 and 6) and would not fit within the aforementioned enclosure. In addition, the forward support legs 17, 18 would interfere with the rearward portion of the enclosure in the same manner as the support legs 26 of Willoughby, said interference preventing the seat from being fully stowed. Accordingly, applicants submit that amended Claim 1 is not obvious in view of the combination of Tinsley and Willoughby. Claims 2, 6, 7 and 12 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2, 6, 7 and 12 are also allowable. Independent Claim 20 has been amended in a manner similar to Claim 1. Accordingly, applicants submit that Claim 20 is allowable for the same reasons as those presented above for Claim 1.

Claims 1, 2, 6, 7 12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,088,644 to Erpelding et al. ("Erpelding") in view of Willoughby. The reasoning suggested by applicants against the combination of Corduan and Willoughby is equally applicable to the combination of Erpelding and Willoughby. Neither Erpelding nor Willoughby disclose an enclosure having a rearward portion; thus, the combined references fail to disclose all of the limitations of applicants' Claim 1. Furthermore, a person of ordinary skill in the art would not be motivated modify and/or combine the elements of the cited references in some way to render applicants' claimed invention obvious. The forward support legs 16 of Tinsley cited by the examiner extend well below the seat 32 (see Figs. 1-3) and would not fit within the aforementioned enclosure. In addition, the forward support legs 16 would interfere with the rearward portion of the enclosure in the same manner as the support legs 26 of Willoughby, said

interference preventing the seat from being fully stowed. Accordingly, applicants submit that amended Claim 1 is not obvious in view of the combination of Erpelding and Willoughby. Claims 2, 6, 7 and 12 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2, 6, 7 and 12 are also allowable. Independent Claim 20 has been amended in a manner similar to Claim 1. Accordingly, applicants submit that Claim 20 is allowable for the same reasons as those presented above for Claim 1.

Although not cited as a basis for rejection, the examiner makes a passing reference to JP Patent No. 61-75028 to Taoka ("Taoka") on page 9 of the present Office action. Applicants submit that Taoka fails to disclose or suggest a seat that could be combined with the art of record to render obvious applicants' claims as amended in this paper. Firstly, Taoka fails to disclose a forward support leg that moves to a stowed position within an enclosure in the manner of applicants' amended claims. Instead, the forward support leg 8 of Taoka cited by the examiner stows externally to the seat cushion 5, resting against the bottom of the seat cushion (see Taoka Figs. 1, 2). In addition, a side portion of the seat cushion 5 of Taoka is pivotably connected to an anchor member (see Taoka Fig. 1). In sharp contrast, a rearward portion of applicants' claimed seat is pivotably connected to an anchor member. As can be seen from Taoka Fig. 1, it is not possible to modify the seat 5 shown therein to resemble applicants' claimed seat without destroying its functionality. The seat of Taoka is mounted to a wheel-well and is pivotable to a storage position against a wall of the vehicle. Rearranging the seat in the manner of applicants' claimed invention would require that the seat pivot rearwardly instead of against the wall, destroying the ability to store the seat unobtrusively in the manner intended.

Claims 1-4, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 155,107 to J. Richardson ("Richardson") in view of U.S. Patent No. 5,707,103 to Balk ("Balk") and Willoughby. The examiner asserts that Richardson discloses the seat of applicants' Claim 1 except for a seat cushion, a pivotable seatback, a leg within the seat when in the stowed position, a headrest, and a second latch. To establish obviousness of a claimed invention all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicants' amended Claim 1 includes the enclosure described above. As can be seen from Figs. 1 and 2 of Richardson the seat "A" shown therein lacks any enclosure portions. Balk likewise lacks any enclosure portions (Fig. 3). Willoughby also lacks an enclosure having a rearward enclosure portion (Figs. 1 and 2). Thus, the combined references fail to disclose all of the limitations of applicants' Claim 1.

Nor would a person of ordinary skill in the art be motivated to modify and/or combine the elements of the cited references in some way to render applicants' claimed invention obvious. It is not possible to modify or combine the seats of Richardson, Balk and Willoughby and Corduan in some way to incorporate applicants' enclosure of Claim 1 without rendering the folding mechanism inoperable for its intended use. With reference to Fig. 2 of Richardson it can be seen that the forward support legs "D" extend well below the seat "A" in a stowed position and resting against the bottom of the seat. If Richardson were modified to incorporate applicants' enclosure of amended Claim 1 the forward support legs "D" would interfere with the rearward portion of the enclosure while in the stowed position instead of fitting within the enclosure, thereby preventing the forward support legs from stowing against the bottom of seat "A" as shown in Fig. 2. Such a modification would also prevent shelf "E" from stowing in the manner shown in Fig. 2, as the forward legs D and the shelf are linked together. Willoughby has similar deficiencies, as detailed above. Balk lacks any enclosure portions (Fig. 3) and thus offers nothing to overcome the deficiencies of Richardson and Willoughby. Accordingly, applicants submit that amended Claim 1 is not obvious in view of the combination of Richardson, Balk and Willoughby. Claims 2-4, 8 and 9 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2-4, 8 and 9 are also allowable.

Claims 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson, Balk and Willoughby in view of U.S. Pat. No. 5,826,942 to Sutton et al. ("Sutton"). The examiner asserts that Sutton discloses a headrest which, when combined with the other cited references, renders Claims 10-15 obvious. Applicants submit that Claim 1 is allowable for the reasons provided above. Claims 10-15 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. Furthermore, Sutton fails to teach or suggest features that, separately or in

combination with the other art of record, anticipates Claim 1 or renders Claim 1 obvious. Accordingly, applicants submit that Claims 10-15 are also allowable.

IV. CONCLUSION

For the reasons discussed above, applicants submit that amended Claims 1-4, 6-15 and 20 of the pending application are patentable over all the prior art of record. It is believed that the application is now in form for allowance and favorable action by the examiner is requested. The examiner is requested to contact applicants' representative at the telephone number below if any other issues remain.

Respectfully Submitted,

/Michael Forhan/

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